

MONTANA LEGISLATIVE HISTORY

Chapter 441 ~~284~~ 19 97

Bill H 120 S _____ Original bill & history 1 c

H. Committee on Natural Res.

Hearing Date(s) 1/17 1 c

1/22 1 c

_____ c

_____ c

Date Out _____ c

S. Committee on Natural Res.

Hearing Date(s) 2/5 1 c

2/7 1 c

_____ c

_____ c

Did this bill originate in an interim committee? _____ Yes 1 No

Committee _____

Report _____

LEGISLATIVE HISTORIES

The 1997 Montana Legislature dramatically changed the nature of legislative minutes. This altered format continues with the 1999 legislative minutes. The minutes from House committees are extremely sparse in content, offering no substantive information from which to glean legislative intent. The Senate committees' minutes are fuller in content.

Exhibits, which include written statements, attendant information, roll call votes, roll call attendance, a list of those from the public who were present, and specific action taken on legislative bills, will be available only through the Historical Society Archives, 444-4774, and from a CD-ROM produced by the Legislative Services Division, 444-3064.

Just as in the 1997 legislative session, the 1999 House and Senate committee hearings were recorded. For information on accessing the tapes, or purchasing them, contact the Archives, 444-4774.

If you have concerns over the format of these legislative minutes, it is suggested that you contact your state legislators.

- 440 (*House Bill No. 75; Hager*) AN ACT EXPANDING THE MEANS OF PROVIDING ELECTRONIC INFORMATION TO THE PUBLIC; AND AMENDING SECTIONS 2-17-321, 2-17-322, 2-17-323, 75-10-805, AND 87-1-272, MCA. 2166
- 441 (*House Bill No. 120; Rose*) AN ACT PROVIDING FOR AN ADDITIONAL EXCEPTION TO THE UPPER MISSOURI RIVER BASIN CLOSURE; AND AMENDING SECTION 85-2-343, MCA. 2170
- 442 (*House Bill No. 134; Johnson, John*) AN ACT GENERALLY REVISING THE LAWS RELATING TO THE TEACHERS' RETIREMENT SYSTEM; DEFINING "TERMINATION", "TERMINATION PAY", AND "VESTED"; PROVIDING TERMINATION PAY OPTIONS; CLARIFYING THAT TEACHERS' RETIREMENT SYSTEM PROVISIONS MUST COMPLY WITH FEDERAL TAX LAWS REGARDING QUALIFIED PLAN STATUS; CLARIFYING THE DISTRIBUTION OF BENEFITS TO BENEFICIARIES; CLARIFYING CERTAIN DEFINITIONS; CLARIFYING DEFINITIONS RELATED TO COMPENSATION USED TO DETERMINE BENEFITS; CLARIFYING THAT FAMILY LAW ORDERS AFFECTING DISTRIBUTION OF BENEFITS MUST CONTAIN A STATEMENT THAT THE ORDER IS SUBJECT TO REVIEW AND APPROVAL BY THE TEACHERS' RETIREMENT BOARD; GENERALLY REVISING LANGUAGE REFERRING TO ANNUITIES; REVISING PROVISIONS RELATED TO THE TRANSFER OF SERVICE FROM THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM; CLARIFYING CERTAIN SERVICE PROVISIONS; CLARIFYING DISPOSITION OF UNCLAIMED ACCOUNTS; REVISING CERTAIN WITHDRAWAL AND OPTIONAL ALLOWANCE PROVISIONS; REVISING PAYMENT COMMENCEMENT PROVISIONS; REVISING CERTAIN DISABILITY RETIREMENT AND REINSTATEMENT FROM DISABILITY PROVISIONS; CLARIFYING POSTRETIREMENT PROVISIONS; AMENDING SECTIONS 19-20-101, 19-20-104, 19-20-208, 19-20-305, 19-20-409, 19-20-412, 19-20-503, 19-20-602, 19-20-603, 19-20-605, 19-20-702, 19-20-703, 19-20-706, 19-20-711, 19-20-712, 19-20-713, 19-20-715, 19-20-801, 19-20-804, 19-20-902, 19-20-903, 19-20-904, 19-20-905, 19-20-1001, AND 19-20-1002, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE. 2171
- 443 (*House Bill No. 139; Swanson*) AN ACT GENERALLY REVISING THE LAW RELATING TO PUBLIC CONTRACTS; AMENDING MONTANA PROCUREMENT LAWS; MODERNIZING STATE PROCUREMENT PROCEDURE BY PROVIDING OPTIONS FOR SOURCE SELECTION, CLARIFYING TERMS AND PROCEDURES, AND STREAMLINING THE STATE PROCUREMENT PROCESS; PROVIDING EXCLUSIVE REMEDIES FOR UNLAWFUL SOLICITATIONS OR AWARDS; PROVIDING FOR THE PROCUREMENT OF CONSULTING SERVICES IN THE SAME MANNER AS OTHER SERVICES ARE PROCURED; AMENDING SECTIONS 18-1-101, 18-4-122, 18-4-123, 18-4-126, 18-4-132, 18-4-133, 18-4-141, 18-4-224, 18-4-241, 18-4-242, 18-4-302, 18-4-303, 18-4-304, 18-4-305, 18-4-309, 18-4-310, 18-4-312, 18-4-402, 18-8-211, AND 60-2-112, MCA; REPEALING SECTIONS 18-4-131, 18-4-225, 18-8-101, 18-8-102, 18-8-103, 18-8-104, 18-8-105, 18-8-106, 18-8-111, AND 18-8-112, MCA; AND PROVIDING EFFECTIVE DATES AND A RETROACTIVE APPLICABILITY DATE. 2191
- 444 (*House Bill No. 171; Raney*) AN ACT GENERALLY REVISING AND CLARIFYING THE ALLOCATION OF RESOURCE INDEMNITY AND GROUND WATER ASSESSMENT TAXES; REVISING THE TIME FOR ALLOCATING CERTAIN PORTIONS OF THE RESOURCE

HB 118 INTRODUCED BY GRADY

LC0850 DRAFTER: MITCHELL

PROVIDE THAT CERTAIN PROCUREMENT STATUTES REGARDING STATE
BUILDINGS AND CONSTRUCTION DO NOT APPLY TO ENVIRONMENTAL
REMEDATION AND ABANDONED MINE RECLAMATION PROJECTS

BY REQUEST OF DEPARTMENT OF ENVIRONMENTAL QUALITY

12/30	INTRODUCED		
1/06	FIRST READING		
1/06	REFERRED TO NATURAL RESOURCES		
1/10	HEARING		
1/14	COMMITTEE REPORT—BILL PASSED AS AMENDED		
1/16	2ND READING PASSED	99	1
1/17	3RD READING PASSED	99	0
	TRANSMITTED TO SENATE		
1/20	FIRST READING		
1/20	REFERRED TO NATURAL RESOURCES		
1/24	HEARING		
1/28	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
2/11	2ND READING CONCURRED AS AMENDED	50	0
2/12	3RD READING CONCURRED	50	0
	RETURNED TO HOUSE WITH AMENDMENTS		
4/09	2ND READING AMENDMENTS CONCURRED	96	1
4/11	3RD READING CONCURRED AS AMENDED	96	1
4/17	SIGNED BY SPEAKER		
4/17	SIGNED BY PRESIDENT		
4/18	TRANSMITTED TO GOVERNOR		
4/28	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 392		
	EFFECTIVE DATE: 04/28/97		

HB 119 INTRODUCED BY GRADY

LC0308 DRAFTER: MCCLURE

INCREASE BY 4.71 PERCENT THE BASIC AND PER-ANB ENTITLEMENTS
FOR SCHOOL DISTRICT FUNDING

BY REQUEST OF OPI

12/30	INTRODUCED		
1/03	FISCAL NOTE REQUESTED		
1/06	FIRST READING		
1/06	REFERRED TO APPROPRIATIONS		
1/13	FISCAL NOTE RECEIVED		
2/07	HEARING		
3/14	TABLED IN COMMITTEE		
3/28	MISSED DEADLINE FOR 67TH DAY TRANSMITTAL		
	DIED IN COMMITTEE		

HB 120 INTRODUCED BY ROSE

LC0570 DRAFTER: COLHOUN

PROVIDE FOR AN ADDITIONAL EXCEPTION TO THE UPPER MISSOURI
RIVER BASIN CLOSURE

12/30	INTRODUCED		
1/03	FISCAL NOTE REQUESTED		
1/06	FIRST READING		
1/06	REFERRED TO NATURAL RESOURCES		
1/10	FISCAL NOTE RECEIVED		
1/11	FISCAL NOTE PRINTED		
1/17	HEARING		
1/23	COMMITTEE REPORT—BILL PASSED AS AMENDED		
1/25	2ND READING PASSED	97	0
1/27	3RD READING PASSED	95	0

TRANSMITTED TO SENATE			
1/28	FIRST READING		
1/28	REFERRED TO NATURAL RESOURCES		
2/05	HEARING		
2/11	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
3/03	2ND READING CONCURRED	49	0
3/04	3RD READING CONCURRED	48	0
RETURNED TO HOUSE WITH AMENDMENTS			
4/09	2ND READING AMENDMENTS CONCURRED	97	2
4/11	3RD READING CONCURRED AS AMENDED	97	0
4/20	SIGNED BY SPEAKER		
4/24	SIGNED BY PRESIDENT		
4/25	TRANSMITTED TO GOVERNOR		
4/30	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 441		
	EFFECTIVE DATE: 10/01/97		

HB 121 INTRODUCED BY SIMPKINS *LC0835 DRAFTER: HEFFELFINGER*

ADJUST THE MONTANA UNIVERSITY SYSTEM OPTIONAL RETIREMENT PROGRAM SUPPLEMENTAL EMPLOYER CONTRIBUTION RATE TO AMORTIZE, BY JULY 1, 2033, THE PAST SERVICE LIABILITIES OF THE UNIVERSITY SYSTEM MEMBERS PARTICIPATING IN THE TEACHERS' RETIREMENT SYSTEM

BY REQUEST OF TEACHERS' RETIREMENT BOARD

12/30	INTRODUCED		
1/03	FISCAL NOTE REQUESTED		
1/06	FIRST READING		
1/06	REFERRED TO STATE ADMINISTRATION		
1/13	FISCAL NOTE RECEIVED		
1/14	FISCAL NOTE PRINTED		
1/24	HEARING		
2/18	COMMITTEE REPORT—BILL PASSED		
2/21	2ND READING PASSED	89	9
2/26	3RD READING PASSED	85	14
TRANSMITTED TO SENATE			
3/03	FIRST READING		
3/03	REFERRED TO STATE ADMINISTRATION		
3/24	HEARING		
3/26	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
4/04	2ND READING CONCURRED	50	0
4/05	3RD READING CONCURRED	50	0
RETURNED TO HOUSE WITH AMENDMENTS			
4/09	2ND READING AMENDMENTS CONCURRED	89	11
4/11	3RD READING CONCURRED AS AMENDED	81	15
4/16	SIGNED BY SPEAKER		
4/18	SIGNED BY PRESIDENT		
4/18	TRANSMITTED TO GOVERNOR		
4/28	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 419		
	EFFECTIVE DATE: 07/01/97		

HB 122 INTRODUCED BY MCGEE *LC0433 DRAFTER: MCCLURE*

REQUIRE A PRISONER IN THE LEGAL CUSTODY OF THE DEPARTMENT OF CORRECTIONS TO EITHER PAY A FILING FEE TO FILE A COMPLAINT IN

HOUSE BILL NO. 120
INTRODUCED BY ROSE

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR AN ADDITIONAL EXCEPTION TO THE UPPER MISSOURI RIVER BASIN CLOSURE; AND AMENDING SECTION 85-2-343, MCA."

STATEMENT OF INTENT

This bill is intended to allow an applicant to apply for a water permit on the Muddy Creek drainage to use excess water to prevent significant impacts on adjoining lands. This conservation measure will be allowed only if the permit will not adversely impact other water right holders on the Muddy Creek drainage and if the applicant can demonstrate that the use of the water will help control erosion on the Muddy Creek drainage.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 85-2-343, MCA, is amended to read:

"85-2-343. Basin closure -- exceptions. (1) As provided in 85-2-319 and subject to the provisions of subsection (2) of this section, the department may not process or grant an application for a permit to appropriate water or for a reservation to reserve water within the upper Missouri River basin ~~during the period from April 16, 1993,~~ until the final decrees have been issued in accordance with part 2 of this chapter for all of the subbasins of the upper Missouri River basin.

(2) The provisions of subsection (1) do not apply to:

- (a) an application for a permit to appropriate ground water;
- (b) an application for a permit to appropriate water for a nonconsumptive use;
- (c) an application for a permit to appropriate water for domestic, municipal, or stock use;
- (d) an application to store water during high spring flows; ~~or~~
- (e) an application for a permit to use water from the Muddy Creek drainage if the application shows

that:

- (i) the proposed use of water will help control erosion in the Muddy Creek drainage; and
- (ii) the proposed use of water will not adversely affect the water rights of other persons or planned

1 uses or developments for which a permit has been issued or for which water has been reserved; or
2 (e)(f) temporary emergency appropriations as provided for in 85-2-113(3)."

3 -END-

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 55th LEGISLATURE - REGULAR SESSION

COMMITTEE ON NATURAL RESOURCES

Call to Order: By Chairman Dick Knox, on January 17, 1997, at
3:00 p.m., in Room 437

ROLL CALL

Members Present:

Rep. Dick Knox, Chairman (R)
Rep. Bill Tash, Vice Chairman (Majority) (R)
Rep. Hal Harper, Vice Chairman (Minority) (D)
Rep. Haley Beaudry (R)
Rep. Aubyn A. Curtiss (R)
Rep. Jon Ellingson (D)
Rep. Doug Mood (R)
Rep. Karl Ohs (R)
Rep. Scott J. Orr (R)
Rep. Bob Raney
Rep. Trudi Schmidt (D)
Rep. Robert R. Story, Jr. (R)
Rep. Jay Stovall (R)
Rep. Emily Swanson (D)
Rep. Lila V. Taylor (R)
Rep. Cliff Trexler (R)
Rep. Carley Tuss (D)
Rep. Douglas T. Wagner (R)

Members Excused: none

Members Absent: none

Staff Present: Kathleen Williams, Legislative Services
Stephanie Braun, Committee Secretary

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 132; HB 120; HB 73
Executive Action: HB 153 (tabled), HB 132 (18-0)
HB 73 (18-0)

HEARING ON HB 132

Sponsor: Rep. Dick Knox, H.D. #93

Opening Statement by Sponsor: Rep. Knox, H.D. 93 opened

{Tape: 1; Side: a; Approx. Time Count: 2.2; Comments: while Rep. Knox presented HB 132; Rep. Tash assumed the Chair.}

Exhibit #1, HJR 10 Compliance and Enforcement Study Final Report
{Tape: 1; Side: a; Approx. Time Count: 4.1; Comments: Exhibit #1.}

Proponents:

Exhibit #2, people who were unable to attend signed as proponents for HB 132

Rep. Vicki Cocchiarella, H.D. #64

{Tape: 1; Side: a; Approx. Time Count: 13.5; Comments: Bill will provide means for clear and concise reporting.}

Don Allen,

{Tape: 1; Side: a; Approx. Time Count: 16.9; Comments: none.}

John Arrigo, Department of Environmental Quality

{Tape: 1; Side: a; Approx. Time Count: 21.7; Comments: none.}

Opponents: none

Informational Testimony: none

Questions From Committee Members and Responses:

{Tape: 1; Side: a; Approx. Time Count: 23.8; Comments: none.}

Closing by Sponsor: Rep. Knox closing comments on HB 132

{Tape: 1; Side: a; Approx. Time Count: 26.0; Comments: none.}

HEARING ON HB 120

Sponsor: Rep. "Sam" Rose, H.D. 87

Opening Statement by Sponsor: Rep. Rose opened for HB 120

{Tape: 1; Side: a; Approx. Time Count: 29.0; Comments: none.}

{Tape: 1; Side: a; Approx. Time Count: 30.5; Comments: turned over tape to Side b.}

Proponents:

Dan Andrews, citizen of Power, MT

{Tape: 1; Side: b; Approx. Time Count: 1.7; Comments: would like to use water from Muddy Creek during peak flows/elevations, the proposed sprinkler system would require approximately 12 sec. ft. of water. Thinks that this will help the silt problem as well as erosion.}

Alan Rowal, Coordinator for Muddy Creek Project

{Tape: 1; Side: b; Approx. Time Count: 7.0; Comments: none.}

Mike Murphy, MT Water Resources Association

{Tape: 1; Side: b; Approx. Time Count: 8.2; Comments: none.}

Opponents: none

Questions From Committee Members and Responses:

{Tape: 1; Side: b; Approx. Time Count: 10.4; Comments: none.}

Closing by Sponsor: Rep. Rose

{Tape: 1; Side: b; Approx. Time Count: 26.4; Comments: none.}

Rep. Knox to Rep. Rose, if there are other "Muddy Creeks", please provide our Staffer, Ms. Kathleen Williams with this information so she can prepare an amendment to ensure the bill applies only to the Muddy Creek that is a tributary to the Sun River.

{Tape: 1; Side: b; Approx. Time Count: 27.0; Comments: none.}

HEARING ON HB 73

Sponsor: Rep. Doug Mood, H.D. 58

Opening Statement by Sponsor: Rep. Mood opened on HB 73

{Tape: 1; Side: b; Approx. Time Count: 26.0; Comments: none.}

Proponents:

Bud Clinch, Director of Department of Natural Resources and Conservation submitted Exhibit #3

{Tape: 2; Side: a; Approx. Time Count: 0.1; Comments: none.}

Cary Hegreberg, Wood Products Association

{Tape: 2; Side: b; Approx. Time Count: 2.4; Comments: none.}

Opponents: none

Informational Testimony: none

Questions From Committee Members and Responses:

{Tape: 2; Side: a; Approx. Time Count: 4.1; Comments: none.}

Closing by Sponsor: Rep. Mood closing comment

{Tape: 2; Side: a; Approx. Time Count: 7.4; Comments: none.}

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 55th LEGISLATURE - REGULAR SESSION

COMMITTEE ON NATURAL RESOURCES

Call to Order: By Chairman Dick Knox, on January 22, 1997, at
3:01 p.m., in Room 437

ROLL CALL

Members Present:

Rep. Dick Knox, Chairman (R)
Rep. Bill Tash, Vice Chairman (Majority) (R)
Rep. Hal Harper, Vice Chairman (Minority) (D)
Rep. Haley Beaudry (R)
Rep. Aubyn A. Curtiss (R)
Rep. Jon Ellingson (D)
Rep. Doug Mood (R)
Rep. Karl Ohs (R)
Rep. Scott J. Orr (R)
Rep. Bob Raney
Rep. Trudi Schmidt (D)
Rep. Robert R. Story, Jr. (R)
Rep. Jay Stovall (R)
Rep. Emily Swanson (D)
Rep. Lila V. Taylor (R)
Rep. Cliff Trexler (R)
Rep. Carley Tuss (D)
Rep. Douglas T. Wagner (R)

Members Excused: none

Members Absent: none

Staff Present: Kathleen Williams, Legislative Services
Stephanie Braun, Committee Secretary

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 225, HB 219, HB 214
Executive Action: HB 120 DO PASS (18-0), HB 152
DO PASS (18-0), HB 162 DO PASS
(10-8)

HEARING ON HB 225

Sponsor: Rep. Sam Kitzenberg, HD #96

Opening Statement by Sponsor: Rep. Sam Kitzenberg introduced HB
225 and what it would provide

application for septic systems. Please get that information to the Committee Secretary tomorrow.}

{Tape: 2; Side: a; Approx. Time Count: 30:0; very end ; Comments: flipped tape at the very end.}

{Tape: 2; Side: b; Approx. Time Count: 0.1; Comments: none.}

Closing by Sponsor: Rep. Wes Prouse closed, he was unaware of the special rules or circumstances that DEQ could impose/intercede when an "individual" submits a request for an individual septic system and the parameters that bind DEQ when they evaluate/oversee "individual" requests. He would also like to see the proposed categories/rules that Jan Sensibaugh of DEQ read to the Committee which will be heard in a public hearing sometime in February.

{Tape: 2; Side: b; Approx. Time Count: 12.3; Comments: none.}

HEARING ON HB 214

Opening Statement by Sponsor: Rep. Ed Grady, HD 55

{Tape: 2; Side: b; Approx. Time Count: 17.7; Comments: none.}

Proponents' Testimony:

Jean Riley, Executive Director of the Petroleum Release Compensation Board (DTRCB)

{Tape: 2; Side: b; Approx. Time Count: 19.8; Comments: none.}

Denise Mills, Remediation Coordinator, Department of Environmental Quality

{Tape: 2; Side: b; Approx. Time Count: 25.6; Comments: none.}

Ronna Alexander, Montana Petroleum Marketers Association submitted Exhibit #8

{Tape: 2; Side: b; Approx. Time Count: 26.4; Comments: none.}

{Tape: 2; Side: b; Approx. Time Count: ; Comments: flipped tape at the very end.}

Opponents' Testimony: none

Questions From Committee Members and Responses:

{Tape: 3; Side: a; Approx. Time Count: 0.2; Comments: none.}

Closing by Sponsor: Rep. Ed Grady, HD #55

{Tape: 3; Side: a; Approx. Time Count: 14.0; Comments: none.}

EXECUTIVE ACTION ON HB 120

Motion: By Rep. Trexler, DO PASS

{Tape: 3; Side: a; Approx. Time Count: 14.9; Comments: none.}

Amendments: Rep. Story moves to amend

Discussion: Kathleen Williams (Committee Staffer) explains the amendment to the Committee
{Tape: 3; Side: a; Approx. Time Count: 19.1; Comments: none.}

Motion/Vote: Amendment is voted on by a voice vote, 18-0 the amendment passes unanimously; Rep. Knox states that this is an extraordinary basis not a precedent
{Tape: 3; Side: a; Approx. Time Count: 20.0; Comments: none.}

Vote: on HB 120 as amended, 18-0, DO PASS unanimously

EXECUTIVE ACTION ON HB 152

Motion: By Rep. Ohs, DO PASS

Amendments: Rep. Knox introduces an amendment and has Kathleen Williams (Committee Staffer) explain the amendment to HB 152
{Tape: 3; Side: a; Approx. Time Count: 22.2; Comments: none.}

Discussion: Rep. Harper moved to amend; no discussion

Motion/Vote: voice vote on amendment, 18-0 passes; back to the body of the Bill with attached amendment; discussion of Bill as amended, Rep. Curtiss question regarding civil penalties regarding p. 7, section 12
{Tape: 3; Side: a; Approx. Time Count: 25.5; Comments: none.}

Vote: 18-0, Bill passes as amended

EXECUTIVE ACTION ON HB 162

Motion: By Rep. Harper, DO PASS
{Tape: 3; Side: b; Approx. Time Count: 3.9; Comments: none.}

Discussion: Rep. Orr, speak against the Bill, its earmarking, Department is using money from various fees, feel the Department should request funds and use funds from the General Fund and have to compete with the rest of the Departments, its a good program that can always use more money but not in this way; Rep. Harper, just sees that have to make some exceptions for fees that are earmarked and this is one of them
{Tape: 3; Side: b; Approx. Time Count: 4.1; Comments: none.}

Motion/Vote: all in favor voice vote, need to show hands, 8 with a vote of no

MINUTES

**MONTANA SENATE
55th LEGISLATURE - REGULAR SESSION
COMMITTEE ON NATURAL RESOURCES**

Call to Order: By **CHAIRMAN LORENTS GROSFIELD**, on February 5, 1997, at 3:00 P.M., in Room 405

ROLL CALL

Members Present:

Sen. Lorents Grosfield, Chairman (R)
Sen. William S. Crismore, Vice Chairman (R)
Sen. Vivian M. Brooke (D)
Sen. Mack Cole (R)
Sen. Thomas F. Keating (R)
Sen. Dale Mahlum (R)
Sen. Bea McCarthy (D)
Sen. Ken Miller (R)
Sen. Mike Taylor (R)
Sen. Fred R. Van Valkenburg (D)

Members Excused: None

Members Absent: None

Staff Present: Larry Mitchell, Legislative Services Division
Gayle Hayley, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB152, SB253, HB120, SB146,
HB59, Posted Jan. 31, 1997.
Executive Action: SB175

HEARING ON HB152

Sponsor: REP. ED GRADY, HD 55, CANYON CREEK

Proponents: Denise Mills, Remediation Administer, Dept. of
Environmental Quality

Opponents: None

taking in a waste product and then converting it into another usable product.

Closing by Sponsor: SEN. LYNCH said he introduced this bill in late December and anyone that wanted to participate could have done so, but nobody came around. He emphasized that all they wanted was reasonableness.

{Tape: 1; Side: B; Approx. Time Count: 4:00; Comments: None.}

CHAIRMAN GROSFIELD closed the hearing on SB253 and opened the hearing on HB120.

HEARING ON HB120

Sponsor: REP. SAM ROSE, HD 87, CHOTEAU

Proponents: Dan Andrews, Power, Mt.
Alan Rollo, Coordinator of Muddy Creek Project

Opponents: None

Opening Statement by Sponsor:

REP. SAM ROSE, HD 87, stated that they had a problem in their particular area that has been historically costly to the state and to the federal government. A small stream called Muddy Creek, originates in the northwest corner of Cascade county and a very small portion of Teton county, and has been studied over and over again because of the major sediment problem. He said it dumps 200,000 tons of silt into the Sun River per year. The Greenfield Irrigation District, the Teton County Conservation District, and the Cascade County Conservation District, have all tried to control this stream and tried to prevent this tremendous erosion problem. This bill presents an opportunity to re-use water when there is an extreme excess and to install a conservation method during the irrigation season, to utilize some of this excess flow. He noted that it was not in any violation to any existing water rights. He felt that this was an additional tool to try to control this heavy siltation and better manage this small stream.

Proponents' Testimony:

Dan Andrews, Power, Mt. stated he had a dryland farm located 1/8 of a mile from Muddy Creek. His plans were to develop a sprinkler irrigation system on these acres if he can secure a permit on Muddy Creek. He said Muddy Creek is unique because of its unsteady stream banks and elevated flows. His proposed sprinkler system would require 12 cubic ft. per second of water, which would be junior to the existing rights, therefore he would have to schedule his irrigation at the elevated peak flow. In order to develop this system, he needed the committee's support

for HB120. This proposed development would benefit Muddy Creek by de-watering the creek at key times to reduce this excess water.

Alan Rollo, Coordinator for the Muddy Creek Project, thought HB120 was a win-win situation for all those that live along Muddy Creek and those that live in Great Falls and along the Sun River. He said that this stream typically flows at approximately 30 cfs, but currently is flowing at 250 cfs. He felt projects like the one mentioned above would help reduce the severe erosion problem and the excess flow in Muddy Creek.

Opponents' Testimony: None

Questions From Committee Members and Responses:

SEN. MACK COLE asked REP. ROSE to give him a little more information on why this has happened. Is the increase in flows a result of irrigation in the area?

REP. ROSE replied that the geology of the area has an effect on the problem along with the irrigation district.

SEN. COLE asked if they are looking to lower the stream level strictly through sprinkler systems.

REP. ROSE answered that sprinkler systems is just one thing we are looking at. If we can decrease this flow, especially at peak flows, they felt like they could decrease the amount of erosion taking place in the stream.

SEN. COLE asked if this would be setting a precedence for other closed basins.

REP. ROSE said that he closed the Teton Basin in 1993, and this would not affect any existing water rights.

SEN. WILLIAM CRISMORE asked the sponsor if this was their only stepping stone or problem for trying your project is the closed basin. REP. ROSE answered affirmatively.

CHAIRMAN GROSFIELD asked Mr. Andrews how much potential water might be used by those five or six people out of Muddy Creek.

Mr. Andrews replied that it was hard to say. He said in his particular location, the lift would only be 75 ft. to the field because he was relatively close to the creek. He did not expect any large projects or large requests for water due to the fact the people downstream would have approximately 150 foot of lift to pump, along with the fact the land is farther away, so the transmission cost would be high. He said there were a few small projects proposed.

CHAIRMAN GROSFIELD wondered if it was so silty that its going to be a problem in terms of wearing out a pump right away.

Mr. Andrews said there was a water user approximately 3/4 of a mile downstream of him, and he said it was not as abrasive as it sounds and is more than feasible to use the water.

{Tape: 1; Side: B; Approx. Time Count: 4:15; Comments: None.}

CHAIRMAN GROSFIELD asked Mark Simonich about the attitudes of the conservation districts involved did not have any comments on this bill one way or another.

Mark Simonich, said he was aware of the problem because he had been at DNRC for a few years, and thought the issue is a water rights issue at this point in time.

CHAIRMAN GROSFIELD asked someone from DEQ to ask Van Jamison about how they are going to implement line 30, Page 1.

SEN. VIVIAN BROOKE asked Mr. Andrews what is there to guarantee that this will solve the problem, and she wondered about the return flows and the runoff.

Mr. Andrews said that the land is well suited for irrigation, being that it is not steep. The way the land is situated, if there is runoff, it won't flow directly into Muddy Creek.

Closing by Sponsor:

REP. ROSE closed in saying that HB120 is an attempt to handle the terrible erosion problem in Muddy Creek.

{Tape: 1; Side: B; Approx. Time Count: 4:20; Comments: None.}

CHAIRMAN GROSFIELD closed the hearing on HB120 and opened the hearings on HB59 and SB146.

HEARING ON SB146 and HB59

Sponsor: SEN. AL BISHOP, SD 9, BILLINGS

Opening Statement by Sponsor: SEN. AL BISHOP, SD9, stated that HB59 and SB146 were identical and what they both would do is repeal the Hannah Bill. He said what the Hannah bill did was put the Yellowstone County Airshed on a different sulphur dioxide standard than the rest of the state. This put them on the federal standard and the state standard was more stringent. We were told in 1987 that it would take about five years for the companies to get in compliance with the state's standard. He said, here we are ten years later, putting the airshed back on the same sulphur dioxide ambient air quality standards as the

MINUTES

**MONTANA SENATE
55th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON NATURAL RESOURCES

Call to Order: By **CHAIRMAN LORENTS GROSFIELD**, on February 7, 1997, at 3:00 p.m., in Room 405

ROLL CALL

Members Present:

Sen. Lorents Grosfield, Chairman (R)
Sen. William S. Crismore, Vice Chairman (R)
Sen. Mack Cole (R)
Sen. Thomas F. Keating (R)
Sen. Dale Mahlum (R)
Sen. Bea McCarthy (D)
Sen. Ken Miller (R)
Sen. Mike Taylor (R)
Sen. Fred R. Van Valkenburg (D)

Members Excused: Sen. Vivian M. Brooke (D)

Members Absent:

Staff Present: Larry Mitchell, Legislative Services Division
Gayle Hayley, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: SB 273; Posted
Executive Action: SB 273, SB 146, SB 223, SB 253
HB 120, HB 59, HB 152, HB 162

HEARING ON SB 273

Sponsor: SEN. LINDA NELSON, SD 49, Medicine Lake

Proponents: Mike Volesky, Montana Association of Conservation Districts
Ray Beck, Department of Natural Resources & Conservation
Mike Murphy, Montana Water Resources Association

Opponents: None

EXECUTIVE ACTION ON HB 120

Amendments: SEN. LORENTS GROSFIELD distributed copies of Amendment hb012001.alm (EXHIBIT 3).

Motion: SEN. TOM KEATING MOVED HB 120 BE CONCURRED IN.

Motion: SEN. LORENTS GROSFIELD MOVED DO PASS ON AMENDMENT hb012001.alm.

Discussion: SEN. GROSFIELD said Amendment hb012001.alm clarified HB 120 because it deleted some of the language. He said he was afraid the present drafting of HB 120 would lead to confusion in the statute.

Vote: Motion DO PASS ON AMENDMENT hb012001.alm CARRIED UNANIMOUSLY.

Motion: SEN. TOM KEATING MOVED HB 120 BE CONCURRED IN AS AMENDED.

Discussion: SEN. GROSFIELD commented when the Committee heard the bill, there was legitimate concern exceptions were being made to what had already been approved by the legislature; however, he felt in this particular case, it was just fine. He was, though, concerned about starting to open things a little at a time without really understanding what was being done.

SEN. MACK COLE asked if there were suggestions to do this another way besides hanging up the applications. SEN. GROSFIELD said the siltation in Muddy Creek was probably good soil which went down the creek and ended up at New Orleans. He said if the soil could be put back onto the land around, everybody would benefit; in a small sense, that was what he envisioned HB 120 was trying to do. SEN. GROSFIELD said a lot of money had been spent on the Creek trying to do just that; however, though some good had been done, the problems had not been solved.

SEN. COLE said he was afraid if an exception (though it was justified in this case) was made for Muddy Creek, other requests for exception would follow. SEN. GROSFIELD said that was why he commented as he did -- he wanted them on record. He said they were opening up a basin closure but were doing it for a very specific reason, i.e. it could help the water quality situation in Muddy Creek. He stressed they weren't doing it because someone wanted some water, and he hoped if in the future they were faced with some proposals to open other closures, they be treated in the same way.

Vote: MOTION HB 120 BE CONCURRED IN AS AMENDED CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON HB152